

Date: July 21, 2009

From: Joseph T. Maguire, Chairman
Community Preservation Committee (CPC)

Cc: William W. Durkee Jr.
CPA Program Manager

Subject: Minutes of July 21, 2009 CPC/CPA Public Meeting & Hearing

A. Called to Order 7:00 PM – The Chairman pro-tem Joseph T. Maguire noted the presence of a quorum. He requested the Clerk call the meeting to order.

B. Roll Call - Clerk

Present: Joseph Salvo (Clerk of the CPC), Joseph T. Maguire (Chairman pro-tem), Carl Zinnell, M. Justin Barrett Absent: Scott Hovsepian

D. New Business

1. Announcements (Chairman pro-tem)

a. Former Member Richard Pizzi Jr. has moved onto to his private business.

b. New CPC Member, M. Justin Barrett, Appointee of the Board of Survey and Planning was introduced. His great record in Human Services and real estate interests was acknowledged. The non-paying status of the position was noted with gratitude for his service.

c. The absence of Member Scott Hovsepian due to the birth of his son Michael Patrick Hovsepian was noted.

d. Educational CPA slide shows will soon be available in 23, 30 and 40 minute versions for any civic groups interested in knowing what the CPA is about, and accomplishments and problems.

d. Budget. The presence in the audience of the CPC Program Manager Bill Durkee was noted. The stipend paid for administrative assistance at CPC meetings was eliminated in the Council Committee of the Whole during Budget discussions, but Mr. Durkee is in attendance as an interested citizen. Other Boards such as the Board of Survey and Planning, Conservation Commission, Board of Appeals and License Commission among others have administrative assistance and none of those were cut. The CPC Budget, unlike other Departments, goes directly to the City Council which made the cuts. Also the CPC request for legal assistance, which has been requested in past years was cut. Legal assistance was sought to relieve the log jam which exists between the Council and Law Department. The CPC has the funds available. Legal assistance would relieve the log jam and allow the Applicants to get funds they have requested.

2. Recess: The Chairman announced a recess of the regular business of the CPC in order to hear a presentation from the Coalition of Community Preservation Communities (the Coalition). Mr. Stuart Saginor, Executive Director of the Coalition was introduced.

The appearance of the honorable Mayor Jeannette McCarthy was noted and greeted. She stated she received a gracious invitation.

Mr. Saginor noted that a problem of the Coalition is that few cities have passed the CPA and that is being addressed. Visiting a City like Waltham which has passed the CPA and has some great projects is very gratifying. A copy of the evening's presentation was given to the Program Manager after the meeting for dissemination. Handouts were provided to the CPC and others.

Slide 1: The coalition is a non-profit group of seven organizations interested in historic things, housing and open space. The Coalition started with the CPA. It provides educational lectures, training, and especially technical assistance to the 142 municipalities which already have passed the CPA.

Slide 2: The Coalition provides a technical assistance hotline which the Waltham Program Manager utilizes frequently, a website, a newsletter, Beacon Hill – defending the CPA, holds conferences, speaks with newspapers putting the CPA in a positive light, and is supported by the 7 sponsoring agencies and the 142 municipalities. It is grateful for the support of Waltham.

Slide 3: A State map showing the 142, or 40% of the State cities and towns was displayed. The CPA is a success story. Two additional towns, Sunderland and Dighton have the CPA on the ballot next Spring. Since the 2010 elections are only for Cities and none have the CPA question on the ballot none were shown. Per Member Salvo, the CPA communities appear to be in clusters. Mr. Saginor concurred. As one community passes the CPA, other surrounding communities see the benefits and begin to join. The successful projects and State matching grants each Fall are a great appeal. As an example, in the North, Hubbardston succeeded through the efforts of one individual. Then after successful projects there, Templeton and Phillipston joined and now Royalston has placed it on the ballot. Near Dighton, Swansea passed the CPA, made great projects and Rehoboth and Seekonk followed. The CPA exists in a broad collection of large and small, East and West, wealthy and poor communities. Despite the gaps in Worcester County and the Berkshires, those are the areas where growth occurred in recent years. Impressive to Mr. Saginor in addition to the success of the CPA is that in each CPA community the voters have stepped into the voting booth and voted for a small tax increase! It is incredible that in 40% of the municipalities they have voted in favor of historic preservation, affordable housing and open space and a small property tax increase to do it! The CPA has only been on the ballot once to revoke the CPA. Revocation failed in Hingham when 70% of the voters wanted to keep it. The success of CPA has been in its adoption and in the projects passed. Ten thousand acres of Open space have been preserved and when this years total is presented in the Fall it is expected to be over 12,000 acres. Over 2300 housing units were created and an additional \$125 million were

appropriated to preserve existing units. The most popular category is historic although the spending is lower than others. The smallest category in spending and number is Recreation. Recreation is limited in the ways funds can be spent for this category as the CPA is now. The proposed changes in the CPA for Recreation would likely be very helpful in Waltham. In total the amount of money collected through the CPA to date is over \$700,000,000 between the local surcharges and the State match! This year the State match should include about \$80,000,000 which will bring the total to nearly one billion dollars.

Slide 4. In response to the request of the Chairman and Project Manager, a sample of the broad range of successful projects was shown. Randolph rehabilitated their town hall totally, and plan to rent out commercial space in the lower level to raise revenue. CPA is not concerned with what is done with a building after it is preserved, but only to preserve and rehabilitate it. In West Concord, the railroad station was funded for improvement which then caused the MBTA to move their share of it to the top of their list. Barnstable never had a connection between the harbor and the business district. They built a walking path between them.

Slide 5. The City of Newton has done an admirable job on affordable housing. At 76 Webster St. an old house was completely rehabilitated, and a rear lot had two houses built there, all using only CPA funds. In Sudbury, one of the largest Open Space projects occurred at the Nobscot Scout Reservation. The land was not purchased which is the usual CPA acquisition project. The land can be protected from development through a conservation restriction. The Boy Scouts can continue to own and use the land, but the Town controls the development rights in perpetuity. In Needham there were several older houses which no longer were acceptable for occupancy. They were "fixed up" using CPA funds and are now available as affordable units.

Slide 6. CPA funds are presently limited in Recreation uses which the Coalition is now attempting to change, but can be created where no previous facilities existed. Agawam built a new park on a vacant City owned lot with 100% CPA money. Chairman Maguire asked about the prohibition against using CPA funds for maintenance of the park. Mr. Saginor noted that this is an "Achilles heel" of the CPA as it does require that maintenance of the park be paid for with other funds. Private funds can be used for the maintenance. In Cambridge, the Webster 5 Firehouse was converted to affordable condominiums using CPA funds. The last piece of waterfront property in Falmouth which was not public was purchased with CPA funds.

Slide 7. The CPA does have challenges despite all of the successful projects it made possible. It is necessary to defend the CPA Trust Funds from raids. Past efforts to move the money elsewhere is now more difficult as 142 cities and towns can resist. It is also necessary to defend the CPA from adverse legislative changes. There were dozens of such Bills filed in the current session.

Slide 8. Listed 15 House Bills, and 9 Senate Bills. The Coalition reviews all of the CPA Bills and testifies at the Statehouse regarding any adverse effects. The Coalition

would notify the CPA agencies in each of its communities to request legislative assistance in such cases. To date the legislators have supported the Coalition and no adverse changes have succeeded.

Slide 9. The Coalition does promote helpful changes proactively. It always is possible to make the CPA better. Positive changes are currently underway.

- Trust fund Matching Dollars. One problem is that the fees collected at the registries are declining. The CPA Trust Fund is not part of the State Budget and the decline is not due to any action either administratively or legislatively. There is no change in the funding formula. The real estate market has simply declined over the past several years, while the number of CPA communities has increased.
- Adoption Patterns (lack of cities). There are not a lot of cities. Waltham is one. Gloucester and West Springfield adopted the CPA during the last municipal election cycle. However, cities have tremendous need for affordable housing, historic preservation and recreational facilities. The legislature has informed the Coalition that if additional CPA funds are needed an easier way for cities to adopt the legislation must be developed. The Metro Mayors Association helped to find ways to accomplish the request.
- Recreation Category. Under the current CPA, existing recreational assets cannot be rehabilitated. Cities need CPA funds to “fix up” their recreational assets.

Slide 10. Mr. Saginor explained the changes which the Coalition will promote in the CPA this year.

- Trust fund Matching Dollars. The slide showed an upside down list of the amount of CPA monies available each year and the amount distributed to CPA communities. The CPA Trust Fund is “upside down”.

Slide 11. When “right side” up, the list showed the two columns. The Revenue account is derived from \$20/document filed at any State Registry which is sent to the Department of Revenue (DOR) and into the CPA Trust Fund. The only distribution from that fund is as a matching annual grant to the 142 CPA communities in October. The Distribution column showed the amount sent to the CPA communities. Looking at the Revenues, there was about \$50 million each year in 2002-03. At the high point in 2003, at \$20/document and \$53.8 million there were about 2,690,000 real estate transaction fees collected. Both home purchases and refinances were frequent. The Revenue has declined every year since 2003 and was forecast to be \$21.7 million this year. However since April there has been a slight increase in collections and the forecast might now be as much as \$24 million. As of 2005 on the Revenue side and 2006 on the Distribution side it was the first year when the amount collected was less than the amount needed for 100% State Match. Even then, there was excess Revenue in the Trust Fund and all CPA communities received a 100% match. This year the \$29 million to be distributed would need to be \$80 million to fund all of the CPA communities at 100%. CPA was never designed to be a 100% match program, but it was for six years. The original projection for the CPA was a 25-50% match when it was passed by the legislature in 2000.

Slide 12. Waltham. On October, 15 2007 Waltham received a 100% match as it did in 2006. It dropped to 68% last year, which was still very good at about \$1.3 million. The DOR projection was for about 30% this year. It might be too low as June is the largest month for sales of houses and has not been counted yet. Although we are now in the range of the original promised match, more money is needed in all of the CPA categories.

- Slide 3. Adoption Patterns (lack of cities). Returning to the State map showing where the 142 CPA communities are located, or 40% of the State cities and towns was displayed, there are not a lot of CPA cities. Cities are the “economic engine” of the Commonwealth which cannot succeed even if the towns and villages surrounding them are healthy. Cities find the adoption of the CPA under the present conditions is very difficult. Waltham as an example passed the CPA with a very slim margin of only 4 votes.
- Slide 13. Recreation Category. The slide named “Determining Project Eligibility - It’s all about the VERBS!” was distributed (attached) and described as the DOR and Coalition uses chart. It shows what can and cannot be funded with CPA. The columns show by the word “Yes” in each column of Open Space, Historic, Recreation and Housing where spending is allowed. However, the left hand column shows the list of verbs within which all CPA spending must occur. Unless the project can be described within the verbs of Acquire, Create, Preserve, Support, Rehabilitate and/or Restore it is not eligible for CPA funding. Whenever a project is presented, it should be put in one of the grid “boxes”. For example where one of the “boxes” has a dash (-) it is ineligible for CPA funding. It is also important because the boxes have rules attached to them. Rather than spend hours discussing or answering questions about the “boxes”, Mr. Saginor asked the audience to focus on the bottom line “box” of Rehabilitate. Although the other verbs are fairly self-explanatory, some are interesting such as preserve and support. Support has no definition, therefore whatever the CPC decides it means becomes the definition after consultation with the Council and the City Law Department. Rehabilitation originally was defined for each CPA category allowing spending as “Yes – if acquired or created with CPA \$”. Bedford, which had passed the CPA in order to rehabilitate their old town hall, was told by their town counsel that after legal research going back to 1852, it was determined that no CPA money was used to build the town hall. Since the ability to rehabilitate historic structures was an intent of the CPA, the Coalition and legislature agreed to an amendment to correct the verb. Therefore in the historic column, the wording was changed by a simple word, “Yes”. Now if a structure is deemed historic it can be rehabilitated whether or not it was acquired or created with CPA funds.

Chairman Maguire asked whether the definitions under the Recreation column would then allow the expenditure for funds for maintenance under Rehabilitation. Mr.

Chart 1

COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES

DEFINITION	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
	Land to protect existing and future wet fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use	Building, structure, vessel or real property listed or eligible for listing on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for active or passive recreational use including, but not limited to, the use of trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure	Housing for low and moderate income individuals and families, including low or moderate income seniors Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
ACQUIRE	Yes	Yes	Yes	Yes (effective 12/5/2006)
CREATE	Yes	No	Yes	Yes
PRESERVE Means protect from injury, harm or destruction, not maintenance	Yes	Yes	Yes	Yes
SUPPORT	No	No	No	Yes, includes funding for community's affordable housing trust
REHABILITATE/RESTORE Means remodel, reconstruct or repair (extraordinary, not maintenance) to make property functional for intended use, including improvements to comply with federal, state or local building or access codes or with federal standards for rehabilitation of historic properties	Yes if acquired or created with CP funds	Yes	Yes if acquired or created with CP funds	Yes if acquired or created with CP funds

Saginer explained that CPA funds could not be used for grass seed, fertilizer or employee expenses which would be clearly maintenance costs. If the project was a playground built with CPA funds on land which was acquired or created using CPA funds, and became dilapidated, the playground equipment could be replaced with CPA funds. Adding new facilities on the site would also be an acceptable use of CPA funds. He agreed with Chairman Maguire that capital items were replaceable, and stated that the CPA only pertained to capital items in all categories.

Member Barrett asked whether "support" could only be used if the housing was acquired or created with CPA funds. Further he asked whether "support" was a coverall for "rehabilitation and/or restoration". Mr. Saginer described the word "support" as an "interesting dichotomy". Unfortunately there is no definition of the word "support" under the CPA. It truly is whatever the CPC, the Council in its appropriation, and the legal counsel decide it means. Although it is defined differently in every CPA community, it is generally a very broad category. If something is in "support" of affordable housing, it qualifies for CPA money. Mr. Barrett asked whether the CPC could give 10% to the Waltham Housing (Authority), to which Mr. Saginer replied "perfect". Further, the DOR uses that example in their acceptable uses under that category as for example giving funds to the Waltham Housing Authority for affordable housing. Mr. Barrett asked where the oversight would be for that 10%. Mr. Saginer referred to the same principle as previous that the CPC, Council and Waltham legal counsel would determine what specific projects were acceptable. There is no State agency that reviews the financial documents for CPA projects. The CPA monies are local funds, not State funds, and are to be spent according to Waltham's decisions within the CPA allowable categories. The reason "support" was put into the CPA is that the legislature recognized that it is extremely difficult to build affordable housing in any community. They wanted to make it as easy as possible to get affordable housing projects done. Such projects take a long time, are expensive, and can be controversial.

Per Mr. Saginer, in the categories of Open Space and Housing the verb Rehabilitation is not needed. Open Space is not rehabilitated and in Housing "support" can be used for many projects. There can be a little controversy under Housing to decide which verb should be used as the more important one, which legal counsel needs to "work out". But, under Recreation, Rehabilitation or Restoration is *the* issue. It is a fact that in urban communities there is a large need for rehabilitation of existing recreational facilities and insufficient funds, and that CPA monies cannot be used. No community has used CPA funds yet to rehabilitate or restore a recreational facility as they have not been in existence long enough. And no community has chosen to build a new facility but there are numerous ones that need work done.

Slide 14. Solution: SB90 "An Act to Sustain Community Preservation"
In answer to the three challenges, Senator Creem of Newton has filed Senate Bill 90, "An Act to Sustain Community Preservation". In addition to some small, minor technical corrections, it has three major components to address the three challenges he had just addressed.

- Increase the CPA Trust Fund revenue to guarantee a 75% match in the first round CPA distribution of the State match. The formula is somewhat complicated but at this point Waltham only receives first round funds.
- IF the first step occurs and more money is made available, then there will be an easier way for cities to join the CPA. Waltham would be eligible to adopt this change.
- And the Recreation CPA language problem would be “fixed”.

Strategically, Waltham would not want the second and third steps to occur unless more money was available to the Trust Fund. If more cities were to join without the prior process there would be a greater number of CPA communities dividing available funds and Waltham would receive less money. No city would object if all CPA communities received the proposed 75% minimum match. And if the Recreation rehabilitation was allowed without more funds, the current three mandatory Open Space, Housing and Historic would see lesser amounts available to them.

Slide 15. The Revenue Solution: This most important part of the Senate Bill would increase the fees at the Registries to provide the funds for the other actions. The current fees to a Trust Fund idea has worked well as there is always real estate activity, and the funds are set aside outside the State Budget process. The deed fees would fluctuate in cost depending on the total amount needed to guarantee the 75%, which in turn would depend on real estate market activity.

Slide 16. The City Solution: Although it would be a little more complicated, Waltham might be able to take advantage of the solution. This was proposed by the Metro Mayors Assn., which represent the 13 cities around and including Boston. Only Cambridge and Quincy have currently adopted the CPA. The first requirement is that cities would have to adopt the CPA at a minimum of 1% by raising property taxes as previous cities did. However, if the 1% is accepted, a city could use other non-property tax funds to get to as high as 3%. Waltham is now at 2% but could go to 3%. For example, if a city had other funds set aside to build a Recreation asset, they could be put in the CPA fund to receive the State match. An historic building in Waltham with funds set aside could place the funds in the CPA and receive the match. All cities in the CPA would have the same opportunity.

Slide 13. Recreation Category. The slide named “Determining Project Eligibility - It’s all about the VERBS!”. Cities would also benefit for Recreation rehabilitation as shown previously by simply including the unqualified “Yes” in the “Rehabilitation and/or Restore” “box”. As done for Historic assets in 2002, this will remove the necessity to have acquired or created a Recreational asset with CPA funds in order to rehabilitate it with CPA funds. In hindsight, this aspect was overlooked when the CPA was enacted but has become the greatest need for use of CPA funds.

In summary, these changes are desirable for both new cities to adopt the CPA and for existing communities to equally benefit.

Slide 17. Senate Bill 90 – Progress and Next Steps. The slide described 83 legislative sponsors when the Bill was filed. Senator Creem was the key leader in the Senate and Rep. Kulik in the House. It is a “huge” number of sponsors entering the new session. The Bill was assigned to the Committee on Community Development and Small Business. A hearing is expected in early to mid-September. The Coalition will keep all of the CPA communities informed as support is needed from all of them. This is the second consecutive session in which this Bill was filed. Typically it takes 3-5 sessions to get a Bill passed. Although the same Committee did give the Bill a positive recommendation last year, it was too late in the session. This year it is in process much earlier and would be expected to pass in the Committee. After that it will need to pass the entire legislature. Waltham will be a beneficiary if it succeeds.

Slide 18. For more information. www.communitypreservation.org, the Community Preservation Coalition. In closing, questions were taken.

Member Carl Zinnell asked for the typical time needed from the time of the inception of a CPA proposal which has all the details in order to a check to the project applicant. Per Mr. Saginor, on one end, a town with a town meeting form of government might do it in one day. Many times for the purchase of Open Space with certain sources of funds it has happened in one day. After the legislative body has passed the project, the documents are ready the next day. The seller is usually ready to close the sale quickly. And on the other end, projects drag on for many, many years. Even after the more than 3300 projects to date, there is no standard way which can be applied to the process. The range of projects can be as simple as buying a piece of equipment to the example of Williamstown where they are renovating an old mill building for 200 units of affordable housing which will take several years to complete. Many communities are frustrated by the time required to do municipal projects. CPA projects do not get any special consideration for permits, legal reviews and those type of requirements. They must go through the normal procedures of any municipal project once approved by the legislative body, which typically take longer to accomplish than private projects. Mr. Saginor and Member Zinnell agreed that it is frustrating. Mr. Saginor noted that he had been part of many conversations with the Waltham CPC Chairman and Program Manager regarding some of the frustrating problems. He did note that many communities do use their Administrative Fund to provide legal assistance to the CPC. The CPA, with the exception of the maintenance aspect of CPA projects, should not be a burden to the municipal Budget. If things need to be done, outside of maintenance, they can be done with CPC Administrative funds, but do need the approval of the legislative body to approve that and to appropriate the money. Mr. Saginor offered to return with a presentation to the City Council showing how other communities have addressed that problem. He would do the research and to speak about the need if that was something the CPC wanted. It would be better in any CPA community if CPA projects happened faster.

Chairman Maguire indicated the CPC would be appreciative of such help as there were about 40 projects approved by the CPC in its first 6 months. Mr. Saginor left a summary with the Program Manager. The Chairman thanked Mr. Saginor for his presentation.

4. The Chairman called the Meeting to order following a brief recess for the purpose of resuming the CPC Meeting.

C. Minutes (Clerk). Member Salvo announced the Minutes of the May 19, 2009 CPC Meeting. Chairman Maguire noted that all CPC Members had received a copy of the CPC Minutes and asked for any corrections, changes or omissions. Hearing none, a Motion was made by Carl Zinnell, second by Joseph Salvo and passed with the vote of the Chairman. Member Justin Barrett declined to vote as he was not present at that Meeting.

D. New Business (continued)

3. Election of CPC Officers for 2010 (Clerk) The Chairman requested the election be held.

a. A Motion was made by Carl Zinnell, second by Justin Barrett, to elect Joseph T. Maguire Chairman, and passed unanimously.

b. A Motion was made by Carl Zinnell, second by Joseph Salvo, to elect Justin Barrett Vice-Chairman, and passed unanimously.

c. A Motion was made by Justin Barrett, second by Carl Zinnell, to elect Joseph Salvo Clerk, and passed unanimously.

4. FY 2010 Input Hearing: (Chairman). By the CPA statute and City ordinance a mandatory hearing is held annually to update the CPC PLAN for the new fiscal year. The existing PLAN has existed with minor changes for two years. It can be found on the CPA website. Extra copies of the FY 2009 PLAN were noted as being available to the audience through Mr. Durkee tonight. It contains a lot of routine requirements including Application forms. Discussions should relate to any part of the PLAN. The hearing was declared open and speakers invited to present their information. Two documents were given to the CPC Members with suggested changes and would be available to anyone. These changes were a compilation of ideas which were collected and vetted by the Program Manager during the past year. They will be included as a part of the Hearing record without their reading (attached).

a. Erica Schwartz. Director of WATCH, an affordable housing developer. WATCH was a supporter of the original local coalition to pass the CPA as a means to improve the quality of life for Waltham residents. It is still considered an important vehicle for such improvements. Gratitude was expressed for the long hours spent by the CPC and the Program Manager in this regard to research its potential and to implement it. The Program Manager has been very helpful to provide information regarding CPA matters in general and as to the status of WATCH projects. There are two general improvements which WATCH thinks would make the CPA more effective. The first would be to increase the number of projects which would increase affordable housing. The second is to clarify the process which has confused WATCH in their applications for funds.

a1. Additional Funding for Affordable Housing. The CPA was designed to provide funds for affordable housing. As a community development corporation with a mission to provide such affordable housing, WATCH is concerned that no new units of affordable housing have been created in the City using CPA funds. Also relatively few

dollars have been spent on affordable housing generally. Those dollars that have been spent have been to provide maintenance for Waltham Housing Authority properties. That spending is much needed but there is also a need to create new affordable housing. The CPA money set aside for the Fernald will likely create some affordable housing along with Open Space and Historic preservation. However, the timeline for such housing is uncertain and it is important to spend money now for immediate relief as well. Statistics show that there is a dire need for affordable housing in the City. Over 9000 households pay over 50% of their income for housing, or live in substandard or overcrowded conditions. This lifestyle is unacceptable to those present and there is an obligation to see that other residents don't have to live in those conditions. The CPA provides a great opportunity to correct those situations. One way the CPC could help is to insure that a specific percentage of CPA funds go to affordable housing. Although the mandatory minimum is 10%, perhaps 30% is more appropriate. An average over five years could be used to reach the 30%.

a2. Process. WATCH's experience has been that the process is unclear as to the timeline and to the process itself. In the process following the approval by the CPC, when the project moves to the Council and then the Law Department, the timeline is uncertain as is where it goes. It would be helpful if Mr. Saginor can return with ideas to identify the strategies of other communities and then improve the process. The idea that the CPC have legal assistance seems worthwhile and should improve the timeline without placing additional burdens on the overworked Law Department.

As allowed in the CPA, WATCH also supports the idea of adding members to the CPC. The new Members could come from outside the mandatory Boards and Commissions and provide focus, thought and additional people to do the work.

Generally, WATCH is pleased to have the CPA, and is grateful for the work of the CPC.

The Chairman pointed out that the funds for 2 Jackson St. have been approved by the CPC. Per Ms. Schwartz, the piece of the process in which the CPC approves a project is often then delayed by other parties which should be part of the improvement. Per the Chairman, the "engrossment" process itself at the Law Department can be a delay, then the Council can add further delays. It is believed the Program Manager's compilation does address both of the improvements. The change in the size of the CPC is a matter ultimately within the purview of the Council. As to the suggestion of a 30% set aside for affordable housing, it is an interesting idea. Cambridge places all of the funds not designated for the mandatory non-housing and administrative funds to go to affordable housing.

b. Honorable Mayor Jeannette McCarthy. The Mayor supports the CPC's recommendation to use its administrative funds for legal assistance to the Law Department. The first Assistant Solicitor spends 90% of her time for exclusively Council matters including real estate and zoning. In fairness to both the Program Manager and the Solicitor, they do try to get together to move projects forward.

- b. Marc Rudnick , 44 Hardy Pond Rd. He served as the former Treasurer for the Growing Waltham Roots Committee which is the organization which put the CPA on the ballot, and is the Vice-president of WATCH CDC and current Treasurer of the Waltham Land Trust, and Associate Member of the Zoning Board of Appeals., and former Member of the Waltham Housing Subcommittee. His experience on those committees showed one important thing. They performed well when there was a lawyer on the committee. There was a lawyer on the Housing Partnership Committee, there is a lawyer on the Zoning Board of Appeals. Although those lawyers do not represent them legally, the advice of the counselors is very helpful in discussions. It “helps to expedite the format of presentations” which might help the Law Department and the City Council to understand the complex issues which come before them. He supports the use of CPA Administrative funds. As the CPC is understood to be planning to recommend to the Council that the CPC be expanded, and the Council is free to set the criteria for anyone who serves on the CPC, as for example experts on housing or historic, perhaps one of the criteria could be that a lawyer be designated as a Member of the CPC. When the CPC was formed, he urged the City Council to include the maximum allowable nine Members. He has noticed at the CPC meetings as well as on the other committees he is part of that there are often absences. He recognizes that there are good reasons why the volunteers that serve cannot attend all of the meetings. A robust discussion and well formulated proposals sent to the Council would help to expedite them due to the larger Committee. He further believes that there would be a large number of people in the community “who would support those ideas coming from the City”. He knows the people who worked to put the CPA on the ballot would work with the CPC and Council to get the Council to recognize the value of CPC proposals. Specifically he congratulated the CPC idea to increase the number of Members and for the hard work of the volunteer Members of the CPC.

Now as a member of the Waltham Land Trust, the proposal entered in 2008 regarding acquisition of some of the Open Space parcels near Hardy Pond, he recalled that it was “bogged down” somewhere outside the CPC. He does not know where that project went which was his only complaint. He heard that after one year a CPA project “goes away”, but again he has received no formal notice of its status. It should be a part of the CPC program to formally notify the Applicants of the status. If it needed a new application and he was aware of that he could go forward to apply again. He thanked the CPC again for its hard work.

Per the Chairman, there is a project status report during the regular meeting which might surprise Mr. Rudnick. The Chairman thanked Mr. Rudnick for his “remarkable” activities in North Waltham to include Hardy Pond. The Chairman asked Mr. Durkee in the audience whether he would address some of Mr. Rudnick’s remarks.

Bill Durkee, citizen of Waltham, 96 Galen St., present as a volunteer

- Increase of the Number of CPC Members. This idea has merit and is included in the packet given to the CPC Members that evening. Other persons also thought it was a good idea. The absence of a CPC member at this meeting due to his family obligation as the father of a new child is a perfect example of the need for more Members in order to avoid the absence of a quorum.
- Maintaining the Status of CPA Projects. The process of attempting to keep track of the status of individual projects is unique for each of them. For one individual this has been extremely difficult for the Program Manager. The particulars for Hardy Pond are very disappointing. There were two different proposals. The first one is believed to have been approved by both the CPC and the Council. It went to the Law Department. When the status was requested this year from Law Department, as the funds had expired in 2008 and an extension would be needed to spend the appropriation, the Program Manager was told that "nobody told them to do anything". Now an extension of time to spend the funds or a new Application is needed. This is typical of the neglect that some of the projects have arrived at. The status of the second Hardy Pond-Great Pond project is uncertain and will need to be researched in order to respond.

Per the Chairman, as an announcement, the CPC will seek a pro-bono lawyer to assist the CPC to draft its Recommendations. He believes it will greatly assist the process. The Program Manager is knowledgeable of the CPA, holds a MBA, is a former Councillor, assisted in introducing the City to the computer age, and has had experience dealing with and writing to and working with lawyers. He communicates well. But somewhere the project gets lost.

Per Mr. Durkee, the CPC did reach out to a lawyer who had applied for the Program Manager's position, but he was otherwise occupied at that time. There was also an attorney who thought the process could be improved if a young lawyer in his office was to become an expert in CPA matters and could be hired to do work for a fee for the CPC. Such a person could work for the Law Department and develop a practice to specialize in that type of legal services. These ideas were an effort to get the needed legal services without spending a lot of money.

Per the Chairman, the CPC has the funds, but the Council will not allow the CPC to spend the money for its legal services.

Stuart Saginor, CPA Coalition of Preservation Communities, Executive Director.

Although not a Waltham resident, presented his Statewide perspective of the two issues discussed.

- As to the number of members on Statewide CPC's. He believes Waltham may be the only CPA community with the minimum five Members. All of the new communities adopting the CPA include the maximum nine Members. A group of CPA communities have amended their by-laws to increase the number of Members from seven to nine. Only one, very small community which had a

difficult time finding nine volunteers for their CPC, amended their by-laws to decrease from nine to seven Members.

Per the Chairmen, after the CPC deliberation over potential amendments to the CPC PLAN he will advise the Program Manager to prepare a CPC Recommendation to increase the number of Members to the CPC desired number.

Per Mr. Saginor, a requested packet of all the CPA communities ordinances and by-laws was received today from the Secretary of State's office. They will be scanned and placed on the Coalition website as the State does not post on any website the by-law of any town. One must go to each town to find them and many towns don't even post them themselves. Even though the Coalition can advise Waltham what other communities are doing, it is up to each of them to decide on the number of Members it will place on its CPC. Gloucester just established their CPC to include four at-large members, but prohibited them from serving on any other Board to have independent members from the community serve.

Per the Chairman, as suggested by Mr. Rudnick, could the Council mandate that one of its CPC Members must be an attorney. Per Mr. Saginor, that mandate has not been seen in any by-law, but since other areas of expertise such as housing have been mandated, it probably could be done. It might result in a vacant position a lot if mandated. Ultimately it is a question that perhaps should be sent to the Law Department.

- Lawyers on the CPC.

The majority of CPA communities do have a lawyer on their CPC. Newton once had six lawyers out of its nine CPC Members. The CPC Chairpersons in Truro, Northborough are attorneys. It does really help to have a lawyer on a CPC. They do not act as attorneys on behalf of the CPC, but help organize its work in order for projects to be ready before presentation to the legal representatives. It saves a lot of work for the community legal persons. The Coalition offered to provide sample ordinances and by-laws to assist Waltham to prepare a Recommendation to the Council.

Member Barrett. Member Barrett visited attorney Azadi today to understand the CPC problems. He questioned whether any CPC Member or the Program Manager reviewed the CPA-1 and CPA-2 forms once they were filled out. Part of her complaint was to understand the "specific use for the money". If that could be "streamlined" it would help everyone. There is a lot of "nebulous language in it" and "unnecessary language". After reviewing Emails for both Program Manager Durkee and Attorney Azadi it took a long time to read through them to "make any sense". His conclusion is that "we are killing ourselves with paperwork". "If it can be streamlined to start off with it would save everybody a lot of problems". He questioned whether there is anything which can be "whittled down" even before it gets to the CPC to know the CPC is voting on. If not, can something be put in place.

Chairman Maguire, asked Mr. Durkee if he would respond and explain the procedure now followed.

Mr. Durkee. Each Application is reviewed in depth. A term in law generally used is "substantial compliance", which is convenient for the Program Manager as a non-lawyer in working with the CPC Recommendations. As an example, one that took an inordinate amount of paper, lost time and aggravation occurred with the Gore Place Application and has still not been resolved. Gore Place came to the CPC in their Application as the Gore Place in stead of the Gore Place Society. That omission caused endless hours of back and forth movements. But part of that problem is that the original process used by the CPC was to send Recommendations directly to the Law Department. However, the Law Department, being burdened, was unable to return Recommendations which were in proper legal form and vetted. When they did go to the Council at least there were no more legal questions.

Per Member Barrett. If the CPC Application required their deed, that would eliminate that problem. The Gore Place would be shown as deeded to the Gore Place Society.

Per Mr. Durkee. The deed is required in the Application for housing, but Mr. Durkee was uncertain whether it is required for the other mandatory categories.

Per Member Barrett. He is advocating standardizing the requirement to streamline the process. After that mistake is "cured" the CPC would continue. Learning from the past will prevent reoccurrence.

Per Mr. Durkee. The original process was to send all of the Recommendations to the Law Department in the Chairman's term, for "engrossment". The early Recommendations were then reviewed for correct language, protection of the City and other good legal ideas. They then went to the Council which approved them as they came directly from the Law Department. There were no problems and the CPC and Council succeeded to complete those Applications and Recommendations. However, at some point, the Law Department intervened and said that process didn't provide sufficient review. By looking at aspects they were not asked to do, they created another issue which then had to go back and forth. The CPC and Council then decided to change the process. It was decided to avoid the long delays by sending the Recommendations to the Council before going to the Law Department to streamline the process. The Council has a higher priority than the new CPA Department for work from the Law Department. That process collapsed almost immediately as the transmittal to the Law Department then became a general search of all possible legal aspects "suitable for a Supreme Court case". If questions are asked of the Department of Revenue (DOR) instead of looking at the Recommendation as being in "substantial compliance" and just "dotting the i's and crossing the t's". Therefore that process became more "bogged down" and created more back and forth and delays. Therefore in 2009 the CPC reverted to the original process of sending CPC matters to the Law Department first. And now we find the CPC with the same frustration of sending items to the Law Department and waiting. On June 9th, the Program Manager brought the Gore Place Recommendation request to the Law Department asking for help to prepare a Recommendation for the Council and Committee meetings of June 22. On the 20th or 21st a note was received from the Law Department indicating that if the CPC would prepare a

Recommendation with the changes suggested by the Law Department then hold an emergency CPC meeting with proper notice the Council could act on it. It was impossible, it wasn't timely. Since June 22 it was reviewed for preparation with the Law Department directives and CPC intent. Two weeks prior to the CPC meeting, an Email was sent to the Law Department saying "here is the final draft" attached in an Email. This morning or yesterday a note was received from the Law Department saying the Assistant City Solicitor could not review it because a written copy was not brought to the Law Department. The Program Manager continued to assume that the Program Manager and the Assistant City Solicitor could have a "conversational process" as the Recommendation still has to be finalized by the Law Department. But that assumption is incorrect. By the rules of the Law Department, everything must be written and delivered to be accepted. Emails are unacceptable. Therefore instead of a timely note or call two weeks ago, it was not answered until now. I called the Law office to try and get a delivered copy reviewed and spoke with the Solicitor. Since the Assistant City solicitor would return this week, it would not be reviewed until then, which would leave time for action to meet the deadline tomorrow. It isn't done. Part of the process problem is the lack of the Program Manager's legal expertise, or lack of understanding, or ability to follow every little legal thing required in a finished Recommendation. The other side of the problem is that the CPC does not have any legal assistance as others have stated, to do the pre-work. And that is pre-work.

Per Mr. Barrett. It would be helpful to have a legal mind on the CPC. There must be cities or towns that have gone through this. The CPC could borrow their expertise from their Applications. Without perusing the Applications yet, if a deed was required and missed, "someone dropped the ball somewhere".

In other applications, for example the Wellington House, the Historical Society, Attorney Azadi took her time to bring Mr. Barrett up to date. They are taking a much closer look with Newton having the suit about athletic fields. They had to pay that money back. Wayland has a different problem. The Law Department is there to protect all of us, the City. For the Wellington House the Application really should have come from the Building Department. The Wellington House belongs to the City of Waltham. Any work being done on a building in the City of Waltham is responsible to the Building Department. Therefore any Application would come from the Building Department in cooperation with the Historical Society. In his opinion it should be a co-Application. He was told it was not a co-Application.

Mr. Durkee agreed that the law Department is there to protect the City, and that the Building Department is responsible in its normal duties for building matters on all buildings in the City. He believed that the Application was a co-Application. His recollection was that the Historical Commission and the Building Department were together on that project from the beginning.

In the original research which preceded the employment of Mr. Durkee, the CPC Members at that time did a marvelous job of looking through other PLANS and Forms.

A PLAN from a different community was adopted here, and revised to fit the City of Waltham. It is used and has covered 99% of anything that has come up.

Per the Chairman the CPC review was made of the PLANS of many cities and towns. It is remarkable how similar each of them were which could be used for the "boilerplate".

Honorable Mayor Jeannette McCarthy.

The Mayor did speak with attorney Azadi. Emails are not permitted. There has to be a written request for an opinion. Emails can be changed and therefore are not suitable for opinion requests. There are 22 City Department and 6 Boards and Commissions, plus the Executive office, the Council and then the CPA. That is a lot of work. Pat Azadi's position, by ordinance, is for zoning and real estate, therefore a lot of these would go to her. Her priority is first to the Council, a little for the Mayor's office, and a tremendous amount of work for the Council. The process has to be that they put the request for an opinion in a formal way. At the request of the Mayor for ideas to facilitate the process, Attorney Azadi suggested it could be done. As an example, in one Application the owner was the Archbishop of Boston sole. In one Application it was correct and not in another. Part of the problem may be the Applicants and the Application. However, Attorney Azadi is also very thorough which is her style. A clear Application is absolutely needed. The other problem which is not unique to the CPA, is the priority of time. Each review and return is time consuming. Both the Mayor and the Council rely on the advice of the Law Department for a lot of reasons. The Law Department cannot do the pre-work. The Mayor has every Department keeping track of CPA time. The CPA is another full time capital improvement program in the City of Waltham. Mr. Barrett is absolutely correct in that each Application needs a City Department attached in virtue of its administration. It is a CIP (Capital Improvement Program). The funding is different but the Law Department also oversees the regular CIP. If CPA matters are being tabled or not moving forward, there could be another policy reason for those actions. If the Mayor was to ask Attorney Azadi why CPA matters are not moving now in the Summer, she would say she is still reviewing projects for the Council. The Mayor's review of the policy indicates that everyone relies on Attorney Azadi because she is very thorough. The problem is she is only one person, but she is the most familiar with the CPA. As the Chairman has stated, originally there was going to be an attorney hired to do all of the pre-work for Attorney Azadi. For example the Title work, going to the Registry to confirm deed information and all of the other background work would be provided to Attorney Azadi as if she was a law firm Senior Partner. She would then review the work, which is the process for small lot opinions. Small lot opinions require that the Building Department go out and confirm the titles which the Law Department does. The original proposal would help to relieve the burden. The lawyer would work for the CPC, do all of the background work, to move the Recommendation along. That was rejected by the Council in her recollection. The Council then indicated that they needed their own lawyer. The Council desires to have their zoning and real estate lawyer doing the CPA Recommendations. It is impossible for Attorney Azadi to keep up with that work despite spending a lot of overtime work trying to keep up. Additionally, the City Law Department does the litigation. The Mayor's suggestion is to do the pre-work as is done for the Building Department. For instance, if you want a small lot title, go out and do the work and present that to the Law Department.

That is done in other Departments. That would allow Attorney Azadi to "be all things to all people in the City". She cannot do the leg work. The Mayor would be willing to work with the CPC to accomplish this.

Per Member Barrett. How would the Mayor suggest this be done.

Per the Mayor. First, some of these Recommendations are designed not to go forward. They are tabled. They should be voted in favor or against. Then if it is the pleasure of the Council for the Recommendation to go forward then it will be reviewed, but if it is not going to go forward, say it. That would eliminate a lot of the background work. For example, if a Recommendation receives a lot of work and is perfect as it arrives at the Council, but is denied, it is time wasted. Perhaps the discussion has to be between the Mayor's office and the Council to decide whether a particular project should go forward or not. As an example, the Application for Lot#1 parcel B went through the process quickly because all parties were in agreement that it should be done. Her conclusion is that there are some controversial projects on the list. Those uncertain projects must be "weeded out". Professional people cannot be asked to do things over and over again. The Mayor is willing to review any Application or Recommendation to say whether she would be willing to have the City Departments support the project. There is a backlog in the Law Department. But if it is not a zoning or real estate issue another attorney will review it. Applicants have come to her for advice as for example Arcadia Ave. and 2 Jackson St.

Per the Chairman. To the Mayor, a troublesome point was in his memory. He admitted he may be incorrect, but in reading the CPA, it appears that the Council must approve, disapprove or amend a Recommendation down. As an example, the Council president decided to file a Recommendation, which is not an allowed action and is a negative vote. They are hiding from the allowed actions by filing which is a negative vote. Although they did add that the CPC and the Applicant could return at any time "without prejudice" the vote effectively killed it. Despite the fact that it shouldn't happen, the CPC ends up being the advocate by having to fight the "roadblocks" which adds to the frustration.

Per the Mayor, she is not familiar with the CPA. She cannot say what the CPA indicates nor offer an opinion. The Mayor can assist from the Executive Department by assigning Departments for implementing Recommendations. Most City buildings are under the jurisdiction of the Building Department, but "some remain in limbo until there is a determination of care, custody and control". In fairness, for the Wellington House, Mr. Bennett is helping on that, but it is a shared relationship now. There must be a determination of which entity has "care and control".

Per Mr. Barrett, he mentioned the Wellington House because Attorney Azadi was concerned about the funds once they are approved.

Per the Mayor, it is true because in order for these Recommendations to be "prosecuted", in the non-criminal sense, there must be a City Department clearly delineated, and that is a function of the Mayor. The details of doing the title search, and other details which

even a lawyer won't know until the research is done. A standard Application is a good idea, and she thought that was what the CPC has done. There are going to be some Applications and Recommendations which have special needs, such as for the non-profits. For instance a certificate of ownership or certificate of title is needed which is work of specialists. Then someone has to certify that everything is accurate. When those things are done, it removes the big burden. She recalled that she requested that the Building Department assist the Treasurer in doing their foreclosures as they cannot do title searches. In a law office it is like having a Senior Partner, a Junior Partner and a Clerk. The Mayor is willing to assist in trying to achieve that process for the CPC. This is a requirement now in the Building Department for small lot opinions. If the Applicants have to do their titles that might help the CPC.

Walter McGuire, Executive Director, Waltham Housing Authority (WHA).

Thank you to the CPC for its consideration of the previous WHA Applications. He wished to highlight that support of public housing at these times is particularly important. The WHA would love to create new housing. Unfortunately that is not possible today as they do not have the funding to do that. What we are trying to do is to preserve and support the more than 800 public housing units which do exist in Waltham now. This is particularly true for the more than 500 units of State funded public housing. The State is in a crisis and will remain that way for housing for a number of years. The WHA is soliciting support for those 500 State units immediately, maybe for all 800, and new housing when possible. Support from traditional sources may not be available now.

Hearing no further requests to address the CPC, the Chairman noted that the testimony will be digested with the other information which is in hand and will deliberate to design the new PLAN, then declared the Hearing closed.

E. Old Business

1. Recommendations (Chairman). There are two actions which are needed which will be dealt with later. On the others:

- a. Historic - Wellington House. No action.
- b. Historic - St. Mary's Rectory. No action.
- c. Historic - St. Charles Church - Exterior Restoration. No action.
- d. Open Space - 81 Arcadia Ave. No action.
- e. Housing - WATCH - 2 Jackson St. No action.
- f. Housing - WHA - Boilers - 75-85 Myrtle St., 22 Lowell St., 101 Prospect St. No action.
- g. Housing - Waltham Housing Authority - Boilers & Windows - 37 Banks St. No action.
- h. Housing & Historic - Waltham Housing Authority - 101 Prospect St. Preservation of the slate roof. No action.
- i. Historic - Charles River Museum of Industry and Innovation (CRMII) - Extension of Time to spend. No action.
- j. South Side - Downtown CPA Projects. Martyn Square. Tabled in the CPC.
- k. North Waltham - Open Space Projects. No action.

Returning to the two items requested by the Law Department, the Chairman asked the Clerk to read the motions from the Program Manager. The suggested motions will be read and someone will need to make the motions.

Per the Clerk, Member Salvo.

l. Historic – Paine Estate – Landscape Plan. A motion is needed to accept the Applicants request for withdrawal of its Application without prejudice. A separate motion to Recommend acceptance of the withdrawal without prejudice is then needed. This is for the Historic Paine Estate – Landscape Plan

Per the Chairman, this matter is in the Long Term Debt Committee (LTDC). The CPC matter can only be a recommendation. Therefore the Chairman requested a motion to retrieve the CPC Recommendation. Upon return the CPC will take appropriate action.

Historic – Paine Estate – Landscape Plan. A Motion was made by M. Justin Barrett, second by Carl Zinnell, to recommend to the LTDC that the Applicant's request for withdrawal of its Application be accepted, and passed unanimously

Per the Clerk, Joseph Salvo.

m. Historic – Gore Place Society – Fire Suppression. The written request for a motion was read (attached). The Chairman asked Mr. Durkee to explain the necessity for the Motion to Mr. Barrett. Member Barrett indicated that Attorney Azadi had "brought him up to speed on this".

A Motion was made by M. Justin Barrett to accept Attorney Azadi's recommendation. Per. Mr Durkee the use of Attorney Azadi's wording would require a different Motion. The wording of the Motion to amend the written request (attached) for the wording of Gore Place to read Gore Place Society (and other matters as shown on the "DRAFT – Motion required by the Law Department to be made at the CPC/CPA Public meeting July 21, 2009") was made by Member Barrett and by suggestion of the Chairman was "so moved" as written, second by Carl Zinnell and passed unanimously.

5. FY 2010 CPC Budget. Mr. Durkee. The rationale for the Budget is in the packet received by the CPC this evening. One of the reasons that Mr. Durkee is not present this evening as the Program Manager doing clerical work is that position was eliminated in the Budget. The legal assistance discussed was also left out. The hope to get a summer intern is out. At first, only the amount for the Program Manager salary and little else was allowed. Councillor Tarallo did manage to restore some of the cuts. This occurred at 12:30 AM on the morning of the last day before the Summer Council session. The Committee meetings are not televised nor recorded, except this one was televised with the sound shut off. Mr. Durkee suggested it would be helpful to televise the CPC-Council committee meetings for legal reasons and to understand the process for the Budget And other actions.

Member Barrett requested to know which Committee was referred to in Mr. Durkee's remarks. It is the Board of Directors intention to televise at least the Rules and

Ordinance, Finance, and Committee of the Whole meetings. Speaking on behalf of the Board of Directors of the Waltham Cable Access Corporation, they are looking into televising of more Committees. If the Program manager would like to have the LTDC-CPC Meetings televised, the Board would consider it. The actions of the LTDC would be heard when the CPC matters went to the Committee of the Whole.

Per Mr. Durkee. Would it be permissible for a private party to record the actions of the LTDC if the CPC was to hire someone to do it. The meetings which the CPC has been in with the Council in LTDC, Finance and Committee of the Whole meet in the Chambers which are equipped for recording. The Board could hire an intern to do it.

M. Justin Barrett. In conversation with Attorney Azadi, she suggested there were a couple of Recommendations which could be moved through.

1. Historic - Charles River Museum of Industry and Innovation (CRMII) – Extension of Time to spend. If the CPC clarified the extension of time with the deadline and voted on that would help. His intention is to try and expedite some of the Recommendations. His understanding is that there was a vote to extend all of the outstanding projects. Attorney Azadi's suggestion is to individualize and vote on each one separately and put a deadline on it.

Per Mr. Durkee, in the Meeting packet, the Recommendations which had no action on the agenda were listed (attached). If the Charles River Museum of Industry project item is read, it shows that on May 1 a request was made for a legal version of an extension from the Law Department. It further shows that the Project Manager's requests for a status of the request have gone unanswered. The action suggested is exactly what was done and has not been done. The Program Manager wondered why that suggestion was made as it already was done.

2 & 3. Historic. St. Mary and St. Charles. The Law Department needs historical documentation before they can touch either one.

Per Mr. Durkee, both have been done. Further, he will inquire about these items. He further expressed his gratitude and future delight if they are resolved.

Per the Chairman, he is grateful for the efforts of Mr. Barrett as the greater the number of people discussing the CPC Recommendations, the better the situation will become.

4. WHA funding. What is the status of the WHA funding. The CPC went to the Council with Recommendations for the three projects listed. These went under that unique verb Mr. Saginor talked about, "support". The CPC were told and believed that in every other CPA community they were able to do that. Only one exception was noted. However, as Mr. Saginor further noted, the caveat is that despite of any action by the CPC and the Council, the Law Department is the third body which must approve. In this case, the Law Department, did not agree that "support" is needed and could be used, which is still the belief of the CPC, and said they communicated somehow with the Department of Revenue (DOR) to ask them whether or not this was permissible. The Law

Department was told no by whoever and however they received the answer. Other communities don't ask that question.

Per. Member Barrett, that changed today. Attorney Azadi said today that operational "support" could be funded that way.

Mr. Durkee noted that he would look for the written approval from the law Department. Further that the WHA and Mr. Durkee who are investigating an alternative means of funding these projects would be delighted.

G. Correspondence and Miscellany (included with the Announcements)

H. FOR THE GOOD OF THE COMMITTEE (None)

I. ADJOURN The Motion to adjourn was made by Member Barrett, second by Member Zinnell, and passed unanimously at about 9:10 PM.

Joseph T. Maguire, Chairman
For the Community Preservation Committee